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REMARKS

Claims 12, 13, 26, 27, 28, 29, 30, 31 and 32 are pending. Claims 28 and 32 are independent.

In a final office action dated July 20, 2007, the examiner used Suga and Silverman to reject claims 11-13, 26-29 and 32 as having been obvious.

Applicant disagrees. For example, claims 28 and 32, as amended, recite “if R3 and R5 are both Cl, R3’ is not OH or OCH₃.” Neither Suga or Silverman teach or suggest this quoted claim feature, whether taken separately or in combination.

More specifically, Suga specifically teaches that when R3 and R5 are Cl, R3’ can be (and is) OH. [Suga, Table 3, compound 7] Thus, Suga alone teaches away from applicant’s quoted claim feature.

Applicant can find nothing in Silverman that discloses, teaches or suggests applicant’s quoted claim feature or anything with respect to excluding R3’ from being OH or OCH₃ when R3 and R5 are both Cl.

Combining Suga, which teaches that when R3 and R5 are Cl, R3’ is OH, with Silverman, who is silent with respect to having or not having R3’ OH when R3 and R5 are Cl, cannot magically produce a compound in which if R3 and R5 are both Cl, R3’ is not OH or OCH₃. Accordingly, claims 28 and 32 are not, and cannot be, obvious in view of Suga and Silverman.

In the same final office action dated July 20, 2007, the examiner used Goodman and Silverman to reject claims 11-13 and 26-32.

As stated above, claims 28 and 32, as amended, recite “if R3 and R5 are both Cl, R3’ is not OH or OCH₃.” Neither Goodman or Silverman teach or suggest this quoted claim feature, whether taken separately or in combination.

Silverman was discussed above. Goodman fails to even mention Cl, and so no one skilled in this art would look to Goodman to exclude OH or OCH₃ at the R3’ position if R3 and R5 are both Cl.

Combining Goodman, who does not deal with Cl, with Silverman, discussed above, cannot spontaneously produce a compound in which if R3 and R5 are both Cl, R3’ is not OH or OCH₃. Accordingly, claims 28 and 32 are not, and cannot be, obvious in view of Goodman and Silverman.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of

that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Respectfully submitted,

Date: October 31, 2007

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